

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

## VINCENTE MENDOZA,

**Defendant.**

**8:05CR179**

## ORDER

This matter is before the court on the motion for an extension of time by defendant Vincente Mendoza (Mendoza) (Filing No. 39). Mendoza seeks an extension of time to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 26) and the previous extension (Filing No. 36). Defense counsel represents to the court that counsel for the government has no objection to the extension. Mendoza has filed an affidavit in accordance with paragraph 9 of the progression order whereby Mendoza consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 40). Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Mendoza's motion for an extension of time (Filing No. 39) is granted. Defendant Mendoza is given until **on or before September 16, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 26). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 22, 2005 and September 16, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge